IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 10629 of 1999

Between:

M/s.Suvarna Slabs & Minerals, rep. by its Partner Sri.A.Rama Krishna Reddy, s/o A.Subba Reddy, aged about 38 years, Hindu, Business, r/o Bethamcherla (M), Kurnool District.

..... PETITIONER

AND

1. Transmission Corporation of Andhra Pradesh, rep. by its Member/Secretary, Vidyut Soudha, Hyderabad.
2. The Chief Engineer, TRANSCO. Ltd, Cuddapah Zone, Cuddapah District.
3. The Superintendent Engineer (Assessments), TRANSCO Ltd., Cuddapah District.
4. The Assistant Divisional Engineer, TRANSCO Ltd., Dhone, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction more particularly one in the nature of writ of Mandamus declaring the proceedings Lr.No. CE/ CZ/ CDP/ C&P/221/A.137-99-KNL/D.No.536/99, dt.30.04.1999, passed by the 2nd respondent as illegal, arbitrary and against the Electricity Act.

Counsel for the Petitioner: MR.G.VEERA REDDY

Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Corporation.

The petitioner, who is doing business in slabs and minerals, filed this writ petition, *inter alia*, challenging the assessment made in regard to certain allegations found in the inspection conducted on 02.09.1997.

The facts which are necessary for disposal of this writ petition are that the petitioner was found to be committed certain irregularities during the inspection conducted on 02.09.1997 followed by a provisional assessment made at Rs.2,01,917/-. Challenging the same, the petitioner has filed Writ Petition No.24881 of 1997, wherein he was directed to pay one-fourth of the amount. As per the directions of the Court, the petitioner paid an amount of Rs.50,629/- on 17.07.1998. Further, a revised show cause notice dated 04.10.1998 was issued assessing the loss sustained at Rs.3,38,183/-. On considering the objections filed by the petitioner, the said amount was reduced to Rs.1,19,504/- as per the final orders dated 26.02.1999. Aggrieved by the same, the petitioner filed an appeal, which was also dismissed confirming the same by orders dated 30.04.1999.

Though several contentions sought to be urged on behalf of the petitioner in regard to the main allegations, however, having regard to the finding of fact arrived at by the authorities below, I do not find any justification to interfere with the assessment made. However, since the very authorities found that the initial assessment was quite on higher side, the same was reduced to Rs.1,19,504/-. That apart, it is the case of the petitioner that in fact the industry is working only 4 hours in the entire day and the period that is sought to be taken by the respondent Corporation for assessment was 6 hours per day.

By taking into consideration the same, it would be suffice in the interests of justice especially in view of the facts and circumstances of the case, to reduce the assessment made by 30%.

Accordingly, the writ petition is allowed in part reducing the final assessment i.e., Rs.1,19,504/- to Rs.83,653/-. No costs.

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23.12.2004

VGB

That Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, The Twenty Second Day of December, Two Thousand and Four.

To

1. The Member/Secretary, Transmission Corporation of Andhra Pradesh, Vidyut Soudha, Hyderabad.
2. The Chief Engineer, TRANSCO. Ltd, Cuddapah Zone, Cuddapah District.
3. The Superintendent Engineer (Assessments), TRANSCO Ltd., Cuddapah District.
4. The Assistant Divisional Engineer, TRANSCO Ltd., Dhone, Kurnool District.
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